

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

SPENCER NEAL,	:	CASE NO.: 2:24-cv-02902
	:	
Plaintiff,	:	JUDGE JAMES GRAHAM
v.	:	
	:	MAGISTRATE JUDGE
NTK HOTEL GROUP II, LLC,	:	KIMBERLY JOLSON
	:	
Defendant.	:	

CONSENT DECREE AND ORDER

Plaintiff Spencer Neal (“Neal”) filed this action against NTK Hotel Group II, LLC (“NTK”), in the United States District Court for the Southern District of Ohio, Case Number 2:24-cv-02902. Upon agreement of the parties expressed below, and for good cause shown, this Court Orders as follows:

A. Undertakings by Defendant: NTK will, within the following timeframe set by and agreed to by the Parties, subject to a reasonable extension due to acts of God, force majeure, or events beyond the control of NTK such as inability to obtain building or zoning permits, failure of the city/county inspectors to make inspections, contractor defaults, or work stoppages, perform the barrier removal, alterations, and modifications at and to the Property as set forth in the Confidential Release as agreed to by the Parties and attached as Exhibit A.

B. Undertakings by Plaintiff Neal: Neal agrees that he is releasing NTK, along with any parent companies, subsidiaries, divisions, affiliates, related companies, predecessors, successors, heirs, executors, administrators, assigns, shareholders, members, managers, directors, officers, employees, agents, attorneys, insurers and lessors of and lessees at the Property from any and all claims, causes, damages, demands, liabilities, equities, and any and all other claims, whether

known or unknown, concerning the Property, from the beginning of time to the date of the entry of this Consent Decree and Order. Neal further agrees that the completion of the above-referenced modifications will fully resolve his claims against NTK in the above-captioned matter, and consents to the Court's dismissal of this matter.

C. The Court finds that the modifications and alterations agreed to be made by Defendant at the Property are the only ones that would be considered "readily achievable," which would be achievable to the "maximum extent feasible," or which would otherwise be currently required under the Federal and Ohio law.

D. The Court also finds that the timetable set forth to achieve the modifications and alterations agreed to be made by Defendant at the Property are reasonable.

E. Upon completion of the above-listed modifications, the Court and the Parties agree that the Property is in compliance with the Americans with Disabilities Act and Ohio law to the extent readily achievable.

F. Jurisdiction: The parties have requested the Court to dismiss the case with prejudice and retain jurisdiction over this case for the sole purpose of enforcing the terms of this Consent Decree and Order and the Agreement between the Parties. In the event of a dispute between the Parties, the Parties agree to submit themselves to the jurisdiction of the U.S. District Court for the Southern District of Ohio. The Parties further waive any objection on the grounds of lack of personal jurisdiction or venue to the exercise of such jurisdiction now or in the future, but only in connection with the present litigation.

G. Judgment: Based upon the foregoing, the Court finds that this Consent Decree is fair and reasonable, both procedurally and substantively, consistent with applicable law, in good faith, and in the public interest. The Court enters judgment accordingly:

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that each party be ordered to comply with the terms and conditions of this Consent Decree and Order entered into as a result of the settlement of the Parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon completion of the responsibilities set forth in this Consent Decree and Order, that Defendant be and is hereby found to be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et. seq. and in compliance with Ohio law as of the date of this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that with the concurrence of each of the parties, this matter be dismissed with prejudice, parties to bear their own costs. and, that the jurisdiction of this Court is reserved to enforce the terms and conditions of this Consent Decree and Order.

The Clerk of Court is directed to enter judgment accordingly.

Dated: August 7, 2024

/s/James L. Graham
JUDGE GRAHAM

Approved for entry by:

/s/ Collin Meeker
Collin Meeker, Counsel for the Plaintiff

/s/ Austin Richards
Austin Richards, Counsel for the Defendant